

PATENT

Attorney Docket No. D0932-405

**REMARKS**

Claims 1-58 are pending in this application. Claims 52-58 were withdrawn from consideration based on the provisional election made by the Applicant's representative, Won Joon Kouh, over the telephone on November 2, 2005. Claims 1-51 are rejected.

The withdrawn claims 52-58 have been canceled confirming the election of claims 1-51 for prosecution.

Claims 8-11, 19, 33-36, and 44 have been canceled.

Independent claims 1 and 25 have been amended.

After the entry of the amendments submitted herein claims 1-7, 12-18, 20-32, 37-43, and 45-51 remain pending.

**Claim Rejection Under 35 U.S.C. § 102**

Examiner rejects claims 1-4, 6-7, 12-15, 17-20, 25-29, 31, 32, 37-40, 42-45, 50, and 51 under 35 U.S.C. § 102(b) as being anticipated by United States published Application No. 2003/0008586 to Kajander *et al.* ("Kajander"). For the reasons provided below this rejection is traversed.

In response, independent claim 1 has been amended to require that "the plastic-containing bonding fibers are between about 10 to 50 wt. % of the laminate flooring sub-layer material." Similarly, independent claim 25 has been amended to require that "the plastic-containing bonding fibers are between about 10 to 50 wt. % of the fiber composite mat."

In contrast, Kajander does not disclose the weight % content range for the plastic-containing bonding fibers as Examiner contends. In rejecting the originally-filed claims 19, 20, 44, and 45 as being anticipated by Kajander, the Examiner cites paragraph [0027] of Kajander as disclosing "plastic-containing fibers make up about 20 weight percent [] of the material." (Office action at page 3). This characterization by the Examiner is in error.

A correct reading of paragraph [0027] of Kajander shows that the 20 weight percent number recited in paragraph [0027] refers to the cellulose fiber (*i.e.* wood fiber) content of the fiber content of the nonwoven mat of Kajander and not to the content of the binder material. Paragraph [0027] states that the fiber portion of the nonwoven mat may be made "in ratio of 80 weight percent glass fibers and 20 weight percent cellulose fibers."

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In fact, Kajander discloses that the binder "containing essentially free of urea formaldehyde, phenol formaldehyde melamine formaldehyde or furfuryl alcohol formaldehyde resins" is present in very "small amount." (Kajander at paragraph [0008]). Kajander elaborates that:

[b]y a "small amount" is meant that the binder is no more than about five percent, preferably less than four percent, and most preferably less than three percent of the dry mat and usually is at least 0.3 weight percent, most preferably between about one to three weight percent.

(Kajander at paragraph [0009]). Kajander further states: "[m]ats of the present invention contain . . . preferably 0.75 to less than 3, weight percent binder or binder fiber . . . . Binder contents in the dry mat in the range of 2-3 wt. percent are most preferred." (Kajander at paragraph [0018]).

Therefore, Kajander does not disclose the invention as recited in the amended claims 1 and 25 because Kajander does not teach or suggest a laminate flooring sub-layer material or a fiber composite mat containing 10 to 50 wt. % plastic-containing bonding fibers. Accordingly, the amended claims 1 and 25 are patentably distinguishable over Kajander. Withdrawal of the rejection of claims 1 and 25 and their allowance are kindly requested.

The pending claims 2-7, 12-18, 20-24 depend from amended claim 1. The pending claims 26-32, 37-43 and 45-51 depend from amended claim 25. Because dependent claims incorporate all limitations of their parent claim, the pending dependent claims are also allowable over the cited reference Kajander. Withdrawal of their rejection and allowance of the dependent claims 2-7, 12-18, 20-24, 26-32, 37-43 and 45-51 are kindly requested.

#### **Claim Rejection Under 35 U.S.C. § 103**

Examiner rejects claims 5, 21-24, 30 and 46-49 under 35 U.S.C. § 103(a) as being unpatentable over Kajander. These claims depend from independent claims 1 and 25 which are allowable over Kajander. Therefore, in view of the arguments presented above with respect to the § 102 rejection, these rejections are moot. Withdrawal of this rejection is kindly requested.

Examiner rejects claims 16 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Kajander in view of Published U.S. patent application US 2004/0266304 to Jaffee ("Jaffee"). The

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Examiner cites to the disclosure of Jaffee at page 4, col. 1, paragraph [0032] as disclosing the invention recited in claims 16 and 41. This rejection is traversed.

Claims 16 and 41 require that the core material of the bi-component fibers be a mineral and the sheath material be a thermoplastic polymer.

In contrast, a correct reading of paragraph [0032] shows that Jaffee does not disclose what the Examiner contends. Paragraph [0032] of Jaffee discusses that the "minor portion" of the web disclosed in Jaffee may be glass or mineral fibers. The web of Jaffee may comprise two different types of mineral fibers, one type comprising a "major portion" and a second type comprising a "minor portion." (Jaffee at paragraph [0026]). The glass or mineral fibers mentioned in paragraph [0032] are not used as binder fibers as required by claims 16 and 41. In fact, paragraph [0033] of Jaffee teaches that "aforementioned glass fibers [referring to the two types of mineral fibers] are bound together with any known water resistant resinous binder. Suitable binders include urea formaldehyde; conventional modified urea formaldehyde; acrylic resins; melamine resins, . . . ." This disclosure of Jaffee does not teach or suggest the use of a plastic-containing bonding fibers wherein the core material is a mineral and the sheath material is a thermoplastic polymer.

Furthermore, claims 16 and 41 depend from claims 1 and 25, respectively, which are allowable over Kajander because Kajander fails to teach the use of plastic-containing bonding fibers in the weight % required in amended claims 1 and 25. And the disclosure of Jaffee does not cure this deficiency of Kajander.

Accordingly, Kajander and Jaffee, whether taken singly or in combination, do not teach or suggest the invention claimed in claims 16 and 41. Withdrawal of the rejection of claims 16 and 41 and their allowance are kindly requested.

Claims 8-11 and 33-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajander in view of Published U.S. patent application 2003/0049488 to Yang *et al.* In response, claims 8-11 and 33-36 have been canceled, thus, this rejection is moot.

### CONCLUSION

Applicants believe that the pending claims as amended are in condition for allowance. Reconsideration of the present application, withdrawal of the rejections and allowance of the pending claims are kindly requested. Should Examiner not agree with Applicants' position, then a

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telephone interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

As shown in the attached Patent Application Fee Determination Record sheet, no additional claim fee is believed due for the filing of this amendment and response.

Respectfully submitted,

Date:

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Enclosures